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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,921	07/12/2007	Don Chanachok Gray	FISH 72315	1085
24201	7590	07/26/2010		
FULWIDER PATTON LLP HOWARD HUGHES CENTER 6060 CENTER DRIVE, TENTH FLOOR LOS ANGELES, CA 90045			EXAMINER NGUYEN, TAN QUANG	
			ART UNIT 3661	PAPER NUMBER
			MAIL DATE 07/26/2010	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/553,921

**Applicant(s)**

GRAY ET AL.

**Examiner**

TAN Q. NGUYEN

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 October 2005.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-22 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 21 October 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/GS-08)  
Paper No(s)/Mail Date 01/20/2006/03/16/2006  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## DETAIL ACTION

### *Notice to Applicant(s)*

1. This application has been examined. Claims 1-22 are pending.
2. The prior arts submitted on January 20, 2006 and March 16, 2006 have been considered.
3. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "**means**" and "said," should be avoided (emphasis added). The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.
4. Receipt is acknowledged of papers submitted under 35 U.S.C. § 119, which have been placed of record in the file.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1, 3-7, 10-12, 16 and 18 are rejected under 35 U.S.C. 102() as being anticipated by Aoki (6,453,236).
7. As per claims 1 and 16, Aoki discloses the invention as claimed which includes the steps of identifying plurality of locations, converting the waypoints into data representative of the plurality of locations by reference to a store geographical data (see at least figure 3, steps S201-S206), calculating an optimized route between the plurality locations on the basis of the representative data and generating a series of images, wherein each image includes a part of the optimized route between the two identified locations (see at least figure 3, steps S206-S211 and figures 7A-B).
8. As per claims 3, 5 and 18, Aoki also discloses the automatically scaling each image on the basis of the part of the optimized route to be generated on the image (see at least figure 5 and the related text).
9. As per claim 4, Aoki discloses the step of defining each point along the optimized route in terms of longitude and latitude coordinates (see at least figures 7B and the related text).
10. As per claims 6 and 7, Aoki discloses such limitation as shown in at least figures 7A-B and the related text.
11. As per claim 10-12, Aoki further discloses the steps of entering the original location, waypoints, and destination location and preserving an order (see at least figure 3 and the related text).

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

14. Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to the claims above, and further in view of Hancock et al. (2003/0074136).

15. Aoki discloses the claimed invention as discussed above except for the step of determining longitude and latitude coordinates represent each location by referring to a look-up table. However such feature is known and as taught in at least paragraph [0037] of the Hancock et al. reference. It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of the Hancock et al. into the system of Aoki in order to easily allow the user to enter the waypoints without knowledge of their longitude and latitude data thanks to the lookup table as taught by Hancock et al.

16. Claims 8, 9, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to the claims above, and further in view of Sheha et al. (2003/0036848).

17. With respect to claim 8, 9 and 20, Aoki discloses the claimed invention as discussed above except for the step of the generating one or more advertisements on one or more parts of one or more of the images. However, Sheha et al. suggest the step of providing advertisement information associated with the point of interested (see at least claim 47). It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of Sheha et al. into the system of Aoki in order to provide more information about the at least one of the plurality of position interested by the user such as advertisement for example.

18. With respect to claims 15 and 19, Sheha et al. further disclose the step of specifying a customer identifier as shown in at least paragraph [0015].

19. Claims 13, 14, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aoki as applied to the claims above, and further in view of Nesbitt (7,474,960).

20. With respect to claim 13, Aoki discloses the claimed invention as discussed above except for the image can be printed onto a separate sheet of printable media. However such feature is shown in at least the abstract of the Nesbitt reference. It would have been obvious to an ordinary skill in the art at the time the invention was made to incorporate the teaching of Nesbitt into the system of Aoki in order to allow the user to print out the image for reference used.

21. With respect to claims 14, 21 and 22, Nesbitt also suggest the use of portable device, graphical user interface and touch screen sensitive screen (see at least figure 2 and the related text).

**Conclusion**

22. All claims are rejected.
23. The following references are cited as being of general interest: Westerlage et al. (5,987,377), Nesbit (7,356,405), Dale (7,444,237), Takayama et al. (2002/0103597) and Yamada et al. (2005/0149254).
24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tan Q. Nguyen, whose telephone number is (571) 272-6966. The examiner can normally be reached on Monday-Thursday from 6:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Black, can be reached on (571) 272-6956.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

or faxed to the Official Fax Center: (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 23, 2010

**/TAN QUANG NGUYEN/**  
*Primary Examiner*  
Art Unit 3661

